

Approved as Submitted: April 26, 2006

**CITY OF MORGAN HILL
SPECIAL CITY COUNCIL MEETING
MINUTES – APRIL 12, 2006**

CALL TO ORDER

Mayor Kennedy called the special meeting to order at 6:01 p.m.

ROLL CALL ATTENDANCE

Present: Council Members Grzan, Sellers, Tate and Mayor Kennedy
Late: Council Member Carr (arrived at 6:05 p.m.)

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

City Council Action

CLOSED SESSIONS:

City Attorney Kern announced the below listed closed session item.

**1.
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 1

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Kennedy opened the Closed Session item to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor Kennedy adjourned the meeting to Closed Session at 6:03 p.m.

RECONVENE

Mayor Kennedy reconvened the meeting at 7:00 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Kern announced that no reportable action was taken in closed session.

Mayor Kennedy indicated that the Council would reconvene to closed session following the conclusion of the open session.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Mayor Kennedy opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

City Council Action

PUBLIC HEARINGS:

1. ISLAND ANNEXATION PROJECT: PARCEL PREZONINGS AND INITIATION OF ANNEXATION OF UNINCORPORATED ISLANDS

Mayor Kennedy indicated that he spoke with Director of Community Development Molloy Previsich regarding the procedures to be undertaken on the 17 island annexations this evening. He indicated that Ms. Molloy Previsich will give an overall presentation on the 17 island annexations. The public hearing will be opened on each of the island annexations. The Council will provide its input and recommended changes. Upon the conclusion of hearing the 17 island annexations, the Council will take a series of actions.

Council Member Tate stated that he received notice that he owns property within 500 feet of one of the island annexations. He inquired whether the hearing would be handled in such a way that the motions would preclude the island annexation that he has a conflict with.

City Attorney Kern noted that the Council will be considering each island annexation one at a time. When it comes to island 17, Council Member Tate would recuse himself from the discussion/vote of this item. She clarified that Council Member Tate's potential conflict has to do with the actual island annexation, and not with the general overview discussion of annexations.

Director of Community Development Molloy Previsich said that the rezoning and island annexation applications are being proposed by the City of Morgan Hill at the urging of the State legislature, Santa Clara County and the Local Agency Formation Commission (LAFCo). She indicated that the State legislature adopted special legislation to have streamlined island annexation procedures in place for unincorporated areas that are substantially surrounding by city limits, is within the urban service area, and are less than 150 acres in size. When the State adopted this legislation, LAFCo and the County of Santa Clara strongly urged all cities within the County to pursue island annexations for various matters of public policy, including an efficient provision of public services, government accountability, etc. Therefore, last fall, the City Council agreed to pursue annexation of the islands and directed staff to

proceed with the annexation process. She informed the Council that island #4 was withdrawn because it was determined that it split lines of assessments. Therefore, there are 16 items for Council consideration. The Council will consider 15 islands this evening with the Council considering Holiday Lakes Unit 1 later in the year, after the completion of a sewer assessment district feasibility study.

Ms. Molloy Previsich informed the Council that the general plan master EIR provides CEQA compliance for all the island annexations except for #8 as the Council previously adopted a negative declaration that provides CEQA compliance for island #8.

Ms. Molloy Previsich indicated that certain parcels within these islands have already been prezoned, but that annexation was not completed by the property owners. Therefore, the Council needs to prezone parcels that have not yet been prezoned.

Ms. Molloy Previsich stated that Measure C exempts the population of island #7, El Dorado, Unit 3. Measure C also exempts Holiday Lake Estates, Unit 1. She informed the Council that there are approximately 24 nonexempt areas in the island annexations and that staff estimate that this equates to approximately 74 individuals. It is felt that this number is a moderate impact to the City's growth rate. With respect to code compliance, she stated that if existing structures and uses are out of compliance with City codes, but legal within the county, these structures would be considered legal non conforming uses once annexed into the City. She said that staff does not anticipate a lot of problems in this regard. Should staff become aware of life safety issues or receive complaints, staff would look into code compliance. She clarified that annexation does not trigger requirements to meet city standards with respect to curb, gutter and sidewalks. There is no requirement that individuals immediately hook up to sewer or other services as these are primarily triggered as properties are improved or developed. She informed the Council that the total assessed values for all islands, including Holiday Lakes Estates, is approximately \$120 million. The gross property tax share coming to the City is estimated to be \$156,000. However, the ERAF would proportionately increase. Therefore, the net tax revenue, after the ERAF, is anticipated to be approximately \$96,000 in additional property taxes after annexation of all islands, including Holiday Lakes Estates which has the highest assessed value.

Ms. Molloy Previsich indicated that the City is at approximately 11.7 square miles and that the total area of islands is at .6 square miles. Should annexation of all islands occur, it would result in the City being 12.3 square miles. She recommended the Council review the island annexations island by island.

Council Member Sellers indicated that he had been contacted by a constituent inquiring whether property taxes would increase once properties are annexed into the City.

Ms. Molloy Previsich clarified that property taxes are only reassessed when improvements occur on properties. Therefore, annexation would not increase property taxes.

THE CITY COUNCIL CONSIDRED THE FOLLOWING ISLAND ANNEXATIONS:

ISLAND #1: ANX-05-01; ZA-05-17 City of Morgan Hill - Tilton & Hale: A 2.6-acre annexation area containing 4 parcels, located at Tilton and Hale Avenues. The zoning amendment consists of prezoning APNs 764-09-002, -003, and -004 to the "Single Family R-1-12,000" zoning district,

consistent with the existing city General Plan designation of Single Family Low, 1-3 units per acre; and rezoning APN 764-09-015 to the “Public Facilities” zoning district, consistent with the existing city General Plan designation of Public Facilities.

Ms. Molloy Previsich informed the Council that staff has not received any objections to the annexation. Therefore, staff recommends the Council introduce the rezoning ordinance and adopt the resolution of annexation.

Mayor Kennedy opened the public hearing. No comments were offered.

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Waived** the Reading in Full of Ordinance No. 1767, New Series, the Rezoning Ordinance for Island 1*

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council **Introduced** Ordinance No. 1767, New Series, for Island No. 1, by Title Only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 1.91 ACRES, FROM COUNTY OF SANTA CLARA EXCLUSIVE AGRICULTURE ZONING A-20 TO SINGLE FAMILY R-1-12,000 FOR APNS 764-09-002, 003 & 004 AND PRE-ZONING .01 ACRES FROM COUNTY OF SANTA CLARA EXCLUSIVE AGRICULTURE ZONING A-20 TO PF, PUBLIC FACILITIES FOR APN 764-09-015 FOR APPLICATION ZA-05-17: CITY OF MORGAN HILL-TILTON & HALE**, by the following roll call vote: **AYES:** Carr, Grzan, Kennedy, Sellers, Tate; **NOES:** None; **ABSTAIN:** None; **ABSENT:** None.*

Mayor Kennedy recommended the Council take one action on the Resolution to annex all islands instead of repeating the motion for each island; separating island #17.

ISLAND #2: ANX-05-02; ZA-05-18 City of Morgan Hill -East of Hale: A 3.59-acre annexation area containing 5 parcels, located at Hale Avenue and Campoli Drive near the northern terminus of Del Monte Avenue. The zoning amendment consists of rezoning APNs 764-23-017 and 764-24-001, -003, -004 and -005 to the “Single Family R-1-7,000” zoning district, consistent with the existing city General Plan designation of Single Family Medium 3-5 units per acre.

Ms. Molloy Previsich informed the Council that staff did not receive objections to the annexation. She pointed out that the annexation area includes a portion of Hale Avenue that the County will be turning over to the City.

Mayor Kennedy indicated that this area is subject to flooding; noting that part of the area is in the County and part in the City. He stated that some of the area was built to County standards and felt that issues exist. He inquired how these issues would be addressed.

Ms. Molloy Previsich said that staff is in the process of trying to identify needed improvements to these sections of County roadways to be annexed into the City. She informed the Council that the County has set aside a reserve of funding to improve streets that are in need of improvement. She stated that staff

will be requesting some of these funds to improve street sections when needed improvements are identified. Staff does not know the amount of funding set aside for street improvements, nor has an agreement/guarantee the City will receive the amount needed for improvements. Staff is still working on this and hopes to have these arrangements completed by the time the second annexation public hearing takes place on May 24.

Mayor Kennedy requested this area be flagged for necessary drainage improvements.

City Manager Tewes stated that approximately a year or so ago, the County, in conjunction with a nearby development, made some significant improvements in this intersection. He was not aware of any drainage problems associated with this year's rainy season that has been experienced in the past at this location.

Council Member Carr noted the Planning Commission minutes addressed a driveway and septic tank issue with this item. He inquired whether these issues have been addressed.

Ms. Molloy Previsich said that it was her understanding that a homeowner had a private driveway that connected to Sanchez Drive. She said that it was indicated that the adjacent property owner built a fence across what had been the driveway access to the home. The property owners were advised that this was a civil matter, and that they may have established prescriptive rights to be able to use the driveway. She indicated that Public Works Department staff reported that there were no plans to extend the street to Hale Avenue.

Mayor Kennedy opened the Public Hearing.

Mike Serrano, speaking on behalf of his father-in-law and mother-in-law, informed the Council that in 1976, the County directed their home face Sanchez and Del Monte Avenues, allowing their driveway to access this road(s) for the past 29-years. When the adjacent homeowner moved in, he blocked the driveway access with boulders and told his in-laws to access their home from Hale Avenue, a dangerous prospect. He requested the City complete the bulb out and install sidewalks. He informed the Council that his in-laws donated property fronting Santa Teresa Boulevard to the County to accommodate a trolley along Hale Avenue.

No further comments were offered.

Mayor Kennedy requested staff follow up on this particular concern.

Ms. Molloy Previsich said that it was her sense that this concern is a matter between private parties. She stated that staff would try to find out from the County whether they required land dedication or whether the map presented was a map of some possible future road improvement. She said that at the Planning Commission meeting, Public Works Department staff indicated that there were no planned improvements proposed for this area.

Council Member Sellers requested that staff investigate why the map displayed by Mr. Serrano shows a bulb being called out, noting that the area is already developed.

Ms. Molloy Previsich said that the map displayed by Mr. Serrano appears to be a portion of a tract map a developer may have prepared that stipulates reservation for a possible future right-of-way. She was not sure whether the map configuration was ever formalized. She felt it may be fruitful for the property owners to pursue whether they have rights, given the long history of using the driveway over the property. However, this is a private/civil matter.

Mayor Kennedy felt questions still remain unanswered, and requested that staff investigate the questions.

Council Member Sellers felt there were issues that need to be resolved regarding this island annexation.

No further comments were offered.

Mayor Kennedy noted that the adjacent property owner who has built the barricade/wall owns property within the city limits. He requested staff address access, the manhole, easements involved, and whether the property owner has rights to access his home via Sanchez Drive.

ISLAND #3: ANX-05-03; ZA-05-19 City of Morgan Hill - Teresa & Sabini: Island #3 is a 17.86-acre annexation area containing 5 parcels located Llagas Road/Teresa Lane and Sabini Court. The zoning amendment consists of prezoning APNs 773-32-010, -011, -012, -013 and -014 to the “Residential Estate RE-40,000” zoning district, consistent with the existing city General Plan designation of Residential Estate 0-1 units per acre.

Ms. Molloy Previsich informed the Council that staff initially suggested a zoning designation of RE-100,000. However, the property owners and the Planning Commission supported the RE-40,000 zoning designation. She stated that staff does not object to this designation as it is consistent with the existing city General Plan.

Mayor Kennedy opened the public hearing.

Steve Bolaris, owner of the second parcel, indicated that his home was built 21 years ago. He is provided with city sewer and water service and has County police protection. He requested support of the prezoning of the RE-40,000 versus the RE-100,000 zoning designation. He noted that the homes on both sides of his parcel are one acre minimum and that he owns approximately 2.6 acres. He informed the Council that the owner of the third parcel was unable to attend this evening’s Council meeting. However, the property owners were in support of the prezone and annexation request. He requested the City pave Sabini Court as it has not been paved in 21-years and does not meet minimum standards.

No further comments were offered.

ISLAND #5: ANX-05-05; ZA-05-21 City of Morgan Hill - Cochrane & Mission View: Island #5 is a 54.92-acre annexation area containing 3 parcels located at Cochrane Road and Mission View. The zoning amendment consists of prezoning APN 728-36-006, as well rezoning APN 728-36-011 (an adjacent 1.65-acre parcel already within the city limits located in at the corner of Cochrane and Mission

View), to the “Single Family R-1-7,000” zoning district; and rezoning APNs 728-36-007 and -008 to the “Single Family R-1-9,000” zoning district. These zonings are consistent with the existing General Plan designation of Single Family Medium 3-5 units per acre.

Ms. Molloy Previsich informed the Council that this island is located within the Cochrane Road Assessment District and that the City is subject to a Court order that requires the City to annex these lands upon request. She indicated that the property owners are supportive of the annexation. She clarified that annexation does not mean development will occur in the near term because the court order provides that the Cochrane Road Assessment District parcels be subject to the City’s Residential Development Control System. She noted the City has awarded allotments through 2009-10. Therefore, the earliest this area can compete for allotments would be for 2010-11 allocations. She informed the Council that the City would be achieving feathering of density from R-1-7,000 to R-1-9,000 to the adjacent R-1-12,000 zoning district.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #6: ANX-05-06; ZA-05-22 *City of Morgan Hill - Cochrane & Peet*: Island #6 is a 141.99-acre annexation area containing 3 parcels located at Cochrane and Peet Roads. The zoning amendment consists of rezoning APNs 728-34-001 and -008 to the “Public Facilities” zoning district, consistent with the existing city General Plan designation of Public Facilities; and rezoning APN 728-34-009 to three zoning classifications all with the Residential Planned Development Overlay, consistent with the existing city General Plan designation of Single Family Low 1-3 units per acre, as follows: “Single Family R-1-12,000/RPD (34.77 acres); Single Family R-1-20,000/RPD (45.03 acres); and Residential Estate RE-40,000/RPD (41.51 acres).

Ms. Molloy Previsich informed the Council that this island is also within the Cochrane Road Assessment District. The City is subject to a court order that requires annexation of these parcels upon request by the property owners. She indicated that the property owners are supportive of the annexation. She stated that the property owners initially wanted a greater density. The Planning Commission spent a fair amount of time discussing the appropriate zoning designation for the area, and came up with this density plan. The Planning Commission is forwarding the recommended density plan for Council approval as well as annexation of the island.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #7: ANX-05-07 *City of Morgan Hill - Diana & Hill (El Dorado III)*: Island # 7 is a 23.99 acre annexation area that includes the existing El Dorado III subdivision, containing 46 homes. The area is already rezoned to the Single Family Low Density R-1-12,000 zoning classification, consistent with the existing General Plan land use designation of Single Family Low 1-3 units/acre.

Ms. Molloy Previsich informed the Council that the area is already connected to City water and sewer. She said that Measure C anticipated annexation of this area and has exempted this island’s population from the population cap. Staff does not believe the streets were ever accepted by a public agency. She informed the Council that she spoke to one of the property owners who confirmed that a homeowners association was created to maintain the streets and landscape areas. The property owner stated that the

streets have never required maintenance. It was her belief the developer paid the street lighting bill for many years and then stopped paying the bills. She said it is not clear who is paying for the street lights. When this area is annexed, it would appear the City may start having to pay for the street light bills. She said that there is an offer of dedication that was never accepted by the City. She stated that the assessed value of the island is approximately \$23 million. It is estimated that this island would generate approximately \$23,000 per year in property taxes to the City's general fund.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #8: ANX-05-08; ZA-05-32 City of Morgan Hill - US Hwy 101 & Condit: Island #8 is a 62.34-acre annexation area containing 4 parcels, of which two are already appropriately rezoned as Planned Unit Development-Commercial. The zoning amendment consists of rezoning the other 2 parcels, which include a Water District drainage channel (APN 728-17-008) and a City well site (APN 728-17-024), to the "PF Public Facilities" zoning district, consistent with the existing city General Plan designations.

Ms. Molloy Previsich informed the Council that the annexation area includes a large segment of Highway 101 as well.

Mayor Pro Tempore Grzan referred to the water channel located along Highway 101. He inquired how annexation would change the drainage channel. He further inquired whether there would be recreational opportunities.

Ms. Molloy Previsich indicated that the Water District owns the drainage channel. She said that the Madrone Channel may or may not offer recreational opportunities. However, when the City enters into the discussion of land use, streams and developing a riparian corridor in association with land use, this would be the time to have this type of discussion.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #9: ANX-05-09 City of Morgan Hill - E. Dunne-Wong: Island #9 is a 4.83-acre annexation area containing 1 parcel, which is already rezoned to the R-1-7,000 zoning classification, consistent with the existing Single Family Medium 3-5 du/acre General Plan land use designation.

Ms. Molloy Previsich informed the Council that this island was rezoned in July 2000, but that the annexation did not progress due to the lack of progress with certain code compliance consideration. She recommended the City move forward with annexation without requiring every single compliance issue to be addressed. Any required code compliance could be carried out following annexation.

Mayor Kennedy indicated that this particular parcel may have some concerns. He noted that staff is indicating that once annexed, the parcel would fall under the City's code compliance and that no action to correct code violations would be taken unless complaints are lodged.

Ms. Molloy Previsich stated that the City does not have the authority over conditions on the property. Once annexed, and should it come to the City's attention that there are code compliance issues that need

to be addressed, the City will have resources to address the complaints. She stated that staff responds to building activities without benefit of permits, life safety issues and complaints.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #10: ANX-05-10 City of Morgan Hill – Murphy: Island #10 is a 2.34 acre annexation area containing 1 parcel. The parcel is already rezoned to the R-1-7,000 zoning classification, consistent with the existing General Plan designation of Single Family Medium 3-5 unit per acre.

Ms. Molloy Previsich informed the Council that this parcel was rezoned in June 2000. She said that staff is not aware of any objections to the annexation proposal. She indicated that the parcel is surrounded on three sides by the City and that the south side of the parcel is surrounded by the County.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #11: ANX-05-11; ZA-05-33 City of Morgan Hill - Condit & Murphy: Island #11 is an 18.71-acre annexation area consisting of 2 parcels, located along Condit Road, and bounded by San Pedro and Murphy Avenues. The zoning amendment consists of rezoning APNs 817-12-006 and -009 to the “CG General Commercial” zoning district, consistent with the existing city General Plan designation of Commercial.

Ms. Molloy Previsich informed the Council that lands to the north and west are designated/zoned Planned Unit Development and lands to the east are designated residential estate and are located within the City’s urban growth boundary. However, they are not located within the City’s urban service area at this time. Lands to the south are designated Public Facilities and includes the soccer fields and the Aquatics Center.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #12: ANX-05-12 City of Morgan Hill - Dewitt: Island #12 is a 2.00-acre annexation area consisting of one parcel located at 16775 Dewitt Avenue. The parcel is already rezoned to the “Single Family R-1-12,000 / Residential Planned Development (RPD) zoning overlay” classification, consistent with the existing city General Plan designation of Single Family Low 1-3 units per acre.

Ms. Molloy Previsich informed the Council that rezoning occurred in January 2004 and includes three adjacent properties to the north, zoned to the single family low density residential planned development. She said that the other three parcels were approved for a subdivision, were annexed and are developing. This last parcel was included in the RPD and that the RPD showed the development potential of three lots. Without the RPD, the recommended zoning of R-1-12,000 could allow for up to 7 units, assuming other zoning and subdivision requirements are met. She indicated that there was a discussion at the Planning Commission meeting as to whether the RPD zoning overlay should be removed as it was not included with the other development. However, the Planning Commission felt that the neighbors in the surrounding area had the expectation for three units as part of the RPD process. The Planning Commission is recommending the Council retain the RPD overlay. She stated that based on this recommendation, there is no other rezoning action required by the Council at this time as the R-1-

12,000/RPD rezoning would be retained. It is being recommended the parcel be included within the annexation resolution.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #13: ANX-05-13; ZA-05-23 City of Morgan Hill - Tennant & Railroad: Island #13 is a 2.87-acre annexation area containing 2 parcels located at Tennant and the UPRR tracks. The zoning amendment consists of rezoning APN 817-06-053 to the “ML Light Industrial” zoning district, consistent with the existing city General Plan designation of Industrial; and rezoning APN 817-06-054 to the “PF Public Facilities” zoning district, consistent with its use as a transportation facility.

Ms. Molloy Previsich informed the Council that there was a philosophical discussion at the Planning Commission meeting about whether or not the Union Pacific Railroad transportation corridor facilities should be zoned. She felt that if a parcel exists, it should be zoned. Therefore, she recommends a public facility zoning designation to reflect its use as a transportation corridor. She indicated that the Planning Commission is forwarding a recommendation to zone the rail corridor as “PF” and to zone the other parcels ML, Light Industrial district; including the island within the annexation resolution.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #14: ANX-05-14 City of Morgan Hill - Monterey: Island #14 is a 20.26-acre annexation area containing 3 parcels located along Monterey Road near the terminus of Watsonville Road. The area has already been rezoned “Planned Unit Development–Light Industrial (PUD-ML)”, consistent with its existing city General Plan designation of Industrial.

Ms. Molloy Previsich informed the Council that a parcel is currently in residential use, not in conformance with the PUD-ML zoning classification. Upon annexation, legal non conforming residential uses may continue, but would not be allowed to intensify. She stated that no rezoning action is needed at this time. However, the Planning Commission and staff are recommending the Council include this island within the annexation resolution.

Mayor Kennedy noted the city limits zig zags in an out on Monterey Road. In looking further to the south, he noted there was another parcel similar to these parcels that appear to be outside the City limits. He inquired why this parcel was not being recommended to be included as part of the island annexation.

Ms. Molloy Previsich responded that the parcel may not have been included because it was not within the City’s urban service area. In order to meet the definition of being an island, you have to be substantially surrounded by the City, less than 150 acres, and located within the urban service area.

Mayor Pro Tempore Grzan inquired when Butterfield Boulevard would be constructed to this area.

City Manager Tewes informed the Council that one of the projects included in the City’s capital improvement program is to develop a plan line for Butterfield Boulevard. Butterfield Boulevard is proposed to connect at Watsonville and Monterey Roads.

Mayor Kennedy opened the public hearing. No comments were offered.

ISLAND #16: ANX-05-16 City of Morgan Hill - Diana & Jasmine: Island #16 is a 19.04-acre annexation area containing 2 parcels, which are already rezoned as R-1-12,000/Residential Planned Development Overlay. This is consistent with the existing city General Plan designation of Single Family Low 1-3 units per acre.

Ms. Molloy Previsich informed the Council that staff was not aware of any objections to the annexation.

Mayor Kennedy opened the public hearing. No comments were offered.

Mayor Kennedy requested that staff confirm/verify that assessor's parcel number APN 728-18-012 is already annexed into the City.

Council Member Tate recused himself from Island Annexation #17, and excused himself from the Council Chambers.

ISLAND #17: ANX-05-17; ZA-05-35 City of Morgan Hill - W. Edmundson & Piazza: Island #17 is a 12.64-acre annexation area containing 4 parcels located along West Edmundson at Piazza. The zoning amendment consists of changing the existing rezoning for APN 767-21-045 to remove the RPD overlay, such that the change is from R-2 (3,500)/RPD to a rezoning of "Multi Family R-2 (3,500)" zoning district, consistent with the existing city General Plan designation of "Multi-Family Low 5-14 du/acre". The 3 other parcels are already pre-zoned to the "Single Family Medium Density (R-1-9,000)/Residential Planned Unit Development (RPD)" district, consistent with the Single Family Medium 3-5 units per acre General Plan designation.

Ms. Molloy Previsich informed the Council that all four parcels have the appropriate underlying zoning, including an RPD overlay. At one time, there was a developer working on all four parcels. However, the developer abandoned the project. She said the City has an individual who is interested in developing a portion as a separate multi-family parcel, similar to a project to the east. The Planning Commission felt it appropriate to remove the RPD from the one parcel, but to retain the RPD zoning overlay on the other three parcels. Therefore, no action would be needed on the three parcels as they would remain R-1-9,000/RPD. The Council is being asked to remove the RPD from the R-2-3,500 parcel. She clarified that the annexation proposal includes all four parcels and that the rezoning affects only one parcel.

Ms. Molloy Previsich informed the Council that the small parcel located on Edmundson Avenue is outside of the urban service area.

Mayor Kennedy felt that small parcels similar to the one on Edmundson Avenue should be included in the urban service area as he felt it was an island. He requested staff include City-initiated adjustments to urban service area for islands as part of a future "to do list" without necessarily stating it has to be included in a workplan. He did not want to lose track that this needs to be done.

Mayor Kennedy opened the public hearing. No comments were offered.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Tate absent, waived the reading in full of Ordinance No. 1775, New Series, for Island No. 17,*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1775, New Series, for Island No. 17, by Title Only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO REZONE A SINGLE 2.30 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF WEST EDMUNDSON AVENUE, ACROSS THE STREET FROM COMMUNITY PARK FROM MULTI-FAMILY LOW R-2 3,500 RESIDENTIAL PLANNED DEVELOPMENT TO MULTI-FAMILY MEDIUM R-2 3,500**, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers; NOES: None; ABSTAIN: None; ABSENT: Tate.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Tate absent, **Adopted** Resolution No. 5993, to Initiate Annexation Pursuant to Government Code Section 56375.3 for Island, 17.*

Council Member Tate resumed his seat on the Dais.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council unanimously (5-0) waived the reading in full of Ordinance Nos. 1768-1774, New Series, for Island Nos. 2, 3, 5, 6, 8, 11, and 13.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1768, New Series, for Island No. 2, by Title Only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 1.85 ACRES, FROM COUNTY OF SANTA CLARA EXCLUSIVE AGRICULTURE ZONING A-20 AND A-SR TO SINGLE FAMILY R-1-7,000 FOR APNS 764-23-017 & 764-24-001, 003, 004 & 005 FOR APPLICATION ZA-05-18: CITY OF MORGAN HILL-EAST OF HALE**, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1769, New Series, for Island No. 3, by Title Only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 17.62 ACRES, FROM COUNTY HILLSIDE HS TO RESIDENTIAL ESTATE RE 40,000 FOR APNS 773-32-010, 011, 012, 013 & 014 FOR APPLICATION ZA-05-19: CITY OF MORGAN HILL-TERESA & SABINI**, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1770, New Series, for Island No. 5, by Title Only, as*

follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 36.60 ACRES, FROM COUNTY GENERAL USE A1-2.5 TO SINGLE FAMILY R-1 9,000 FOR APNS 728-36-007 & 008, PRE-ZONING 18.30 ACRES FROM COUNTY GENERAL USE A1-2.5 TO SINGLE FAMILY R-1 7,000 FOR APN 728-36-006 AND REZONING 1.65 ACRES FROM SINGLE FAMILY R-1 9,000 TO SINGLE FAMILY R-1 7,000 FOR APN 728-36-011 AS CONTAINED IN APPLICATION ZA-05-21: CITY OF MORGAN HILL-COCHRANE AND MISSION VIEW, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1771, New Series, for Island No. 6, by Title Only, as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 18.5 ACRES, FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO PUBLIC FACILITIES FOR APNS 728-34-001 & 008, PRE-ZONING A 34.7 ACRE PORTION OF APN 728-34-006 FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO SINGLE FAMILY R-1-12,000 RESIDENTIAL PLANNED DEVELOPMENT, PRE-ZONING A 45.03 ACRE PORTION OF APN 728-34-006 FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO SINGLE FAMILY R-1-20,000 RESIDENTIAL PLANNED DEVELOPMENT AND PRE-ZONING THE REMAINING 41.5 ACRES FROM COUNTY EXCLUSIVE AGRICULTURE A-20, TO RESIDENTIAL ESTATE RE 40,000 RESIDENTIAL PLANNED DEVELOPMENT FOR APPLICATION ZA-05-22: CITY OF MORGAN HILL-COCHRANE AND PEET, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1772, New Series, for Island No. 8, by Title Only, as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 6.77ACRES, FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO PUBLIC FACILITIES FOR APN 728-17-008, AND RE-ZONING A .06 ACRE PARCEL FROM PLANNED UNIT DEVELOPMENT PUD, TO PUBLIC FACILITIES PF, FOR APN 728-34-006 FOR APPLICATION ZA-05-32: CITY OF MORGAN HILL-US HIGHWAY 101 AND CONDOT, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1773, New Series, for Island No. 11, by Title Only, as follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 18.85 ACRES, FROM COUNTY EXCLUSIVE AGRICULTURE A-20 TO GENERAL COMMERCIAL CG, FOR APNS 817-12-006 & 009 FOR APPLICATION ZA 05-33: CITY OF MORGAN HILL-CONDIT & MURPHY, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1774, New Series, for Island No. 13, by Title Only, as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 1.56 ACRES, FROM COUNTY AGRICULTURAL A-20A TO LIGHT INDUSTRIAL ML, AND 1.17 ACRES TO PUBLIC FACILITIES PF, FOR APNS 817-06-053 & 054 FOR APPLICATION ZA-05-23: CITY OF MORGAN HILL-TENANT AND RAILROAD**, by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council unanimously (5-0) **Adopted** Resolution No. 5994, as amended, to Initiate Annexation Pursuant to Government Code Section 56375.3 for Islands 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 16.*

Action: *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Set May 24, 2006** as the date for the Second Public Hearing for Proposed Annexations, and Final Adoption of Prezoning/Rezoning Ordinances.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

RECONVENE TO CLOSED SESSION

Mayor Kennedy adjourned the meeting to Closed Session at 8:17 p.m.

RECONVENE

Mayor Kennedy reconvened the meeting at 9:19 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Kern announced that no reportable action was taken in closed session.

ADJOURNMENT

There being no further business, Mayor Kennedy adjourned the meeting at 9:21 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK